

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-344-DCK**

WESTERN SURETY COMPANY,

Plaintiff,

v.

**SUPERIOR CONSTRUCTION
CORPORATION; BASIC ELECTRIC CO.,
INC.; C. STEVE CLARDY; THOMAS E.
MILLER and PAMELA P. MILLER,**

Defendants.

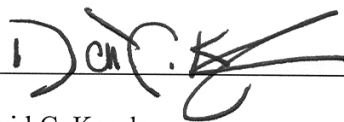
ORDER

THIS MATTER IS BEFORE THE COURT on the “Motion for Summary Judgment” (Document No. 30) filed by Western Surety Company (“Plaintiff”). After granting several extensions of time for Defendants to respond, the parties notified chambers of the undersigned on October 14, 2009, that they had reached a settlement and would be filing a Stipulation of Dismissal. In light of the pending voluntary dismissal, the pending motion for summary judgment need not be considered on the merits at this time.¹


IT IS, THEREFORE, ORDERED that Plaintiff’s “Motion for Summary Judgment” (Document No. 30) is **DENIED without prejudice.**

IT IS SO ORDERED.

Signed: December 1, 2009



David C. Keesler
United States Magistrate Judge



¹In the unlikely event that settlement fails, Plaintiff would of course be permitted to refile its motion for summary judgment.